

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BAVARIAN NORDIC A/S and	)	
ANTON MAYR,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 05-614 (SLR)
	)	
ACAMBIS INC. and	)	
ACAMBIS PLC,	)	
	)	
Defendants.	)	

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**STIPULATION AND PROPOSED ORDER FOR  
WITHDRAWAL OF LETTERS ROGATORY AND  
CANCELLATION OF DEPOSITIONS PURSUANT THERETO**

THE PARTIES HEREBY STIPULATE AND AGREE, subject to approval by the Court, to the withdrawal of the Letters Rogatory seeking examination of Falko-Günter Falkner and Wolfgang Mundt and cancellation of any depositions pursuant thereto. BN filed Letters Rogatory seeking examination of Dr. Falkner and Dr. Mundt on July 21, 2006 (D.I. 54); the Letters were signed by the Court on July 25, 2006 (D.I. 64). Austrian authorities have scheduled examination of Drs. Falkner and Mundt for November 27, 2006. Acambis has agreed that, given the claims presently at issue in the litigation, Dr. Miles Carroll shall not be called to provide live testimony as an expert or fact witness on behalf of Acambis. Accordingly, the parties agree that examination of Drs. Falkner and Mundt is no longer necessary, and jointly stipulate to the withdrawal of the Letters Rogatory and cancellation of any deposition scheduled pursuant thereto.

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*/s/ Karen L. Pascale*

*/s/ Mary B. Graham*

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*Attorneys for Defendants*  
*Acambis Inc. and Acambis plc*

SO ORDERED this \_\_\_\_\_ day of November, 2006.

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UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I, Karen L. Pascale, Esquire, hereby certify that on November 14, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on November 14, 2006, I caused a copy of the foregoing document to be served on the above-listed counsel and on the following non-registered participants in the manner indicated:

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